

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BUSEY BANK, an Illinois banking corporation,

Plaintiff,

V.

BENJA INCORPORATED, a Delaware corporation;

and

ANDREW J. CHAPIN,

Defendants.

Case No.:

NOTICE OF REMOVAL

COME NOW Defendants Benja Incorporated (“**Benja**”) and Andrew J. Chapin (“**Chapin**” and together with Benja, “**Defendants**”), by and through undersigned counsel, and file this Notice of Removal of the above-captioned action to the United States District Court for the Eastern District of Missouri, Eastern Division. In support of the same, Defendants state as follows:

1. On October 6, 2020, Plaintiff Busey Bank (“**Busey**”) filed the above-captioned action, which was assigned Case No. 20SL-CC05024, in the Twenty-First Judicial Circuit Court in St. Louis County, Missouri.
2. Busey is an Illinois banking corporation with its principal place of business in Champaign, Illinois.
3. Benja is a Delaware corporation with its principal place of business in San Francisco, California.
4. Chapin is a resident of San Francisco, California.

5. Busey seeks recovery of at least \$5,026,656.03 based on allegations that Benja breached a promissory note (Count I) and Chapin breached a guaranty (Count II), and Busey seeks the appointment of a receiver over Benja for the benefit of Busey (Count III).

6. This Court has original jurisdiction of this action based on diversity under 28 U.S.C. § 1332(a) because Busey and Defendants are citizens of different States and the amount in controversy exceeds \$75,000.

7. Any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a).

8. St. Louis County is among the counties that comprise the Eastern Division of the United States District Court for the Eastern District of Missouri. Therefore, removal venue is proper in this district and division. 28 U.S.C. 1441(a); E.D.Mo. L.R. 2.07(A)(1).

9. Defendants are hereby exercising their right to remove this action to federal court.

10. In accordance with 28 U.S.C § 1446(a), all process, pleadings, and orders served upon Defendants are attached hereto as Exhibit A.

11. Defendants were served with process on October 9, 2020, so this Notice of Removal is timely filed under 28 U.S.C § 1446(b).

12. As required by 28 U.S.C § 1446(d), Defendants will promptly (1) give written notice of this Notice of Removal to Busey, and (2) file a copy of such notice with the clerk of the St. Louis County Circuit Court.

WHEREFORE, Defendants request that this Court order that this case be removed to the Eastern Division of the United States District Court for the Eastern District of Missouri from the St. Louis County Circuit Court, and grant such other and further relief that is just and proper.

Dated: October 13, 2020

Respectfully submitted,

MASON LAW FIRM LLC

By: /s/ Ryan J. Mason

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ATTORNEY FOR DEFENDANTS
BENJA INCORPORATED and ANDREW J. CHAPIN

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was electronically filed using the CM/ECF system on **October 13, 2020**, and service shall be made by **email** and the **CM/ECF system** on counsel of record, including the following:

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/s/ Ryan J. Mason